



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,419	11/14/2006	Crispina O. Caballero	MCEA-P6-06	3775
28710	7590	04/27/2010		
PETER K. TRZYNA, ESQ. P O BOX 7131 CHICAGO, IL 60680			EXAMINER POLLOCK, GREGORY A	
			ART UNIT 3695	PAPER NUMBER
			MAIL DATE 04/27/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,419

Applicant(s)

CABALLERO ET AL.

Examiner

GREG POLLOCK

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-67 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is responsive to the claims filed 06/02/2006.
2. Claims 1-67 have been examined.

Priority

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/603608, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Application No. 60/603608 only contains Drawings 1 and 15 of application 11/574179 with accompanying description in the Specification. The content of claims 1-84 were not disclosed in the provisional Application No. 60/603608.

- a. As to claims 1, 31, 61, 62, 64, 65, 66, and 67 there is no support in a prior-filed application for the limits (or their equivalent) "allocating the components to different parties, one of the parties from a group including an insurance risk carrier and a source of an asset for said reserve requirement; and assigning an asset for the reserve requirement to a reinsurance asset trust to receive reinsurance credit for said reserve requirement".
- b. As to claims 2-30, 32-60 and 63 these are dependent claims to independent claims 1, 31, 61 and 62 and, therefore, are also unsupported by the prior-filed application.

Accordingly, claims 1-67 are not entitled to the benefit of the prior application.

Abstract

4. The abstract of the disclosure lines 1-3 reads "Apparatus (method implemented with a machine, the machine, and the method for making the machine, and products produced thereby)". This is not a complete sentence and does nothing to articulate that which is new in the art to which the invention pertains. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In

certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

5. The abstract of the disclosure is objected to for the use of legal phraseology. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.
6. The abstract of the disclosure is objected to because it does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Appropriate correction is required.

Drawings

7. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because **Figures 1-9 (all of the drawings)** are not of sufficient quality to portray pertinent details to one skilled in the art. Specifically, the drawings and the character font of the text within the drawings are too small to be legible and thus convey the invention. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepare new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

9. The specification is objected to because of the following minor informalities:
- (a) The section labeled 'Disclosure' should be correct to read "Brief Summary of the Invention"
 - (b) The section labeled 'Modes' should be correct to read "Detailed Description of the Invention:"
- Appropriate correction is required.

Claim Objections

10. The claims are objected to because of the following minor informalities:
- a. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim. A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n). **Claim 49** is currently dependant from claims 1-2. The office assumes that the claim should dependant from claims 31-32.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. **Claims 31-60, 62-63 and 67** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 31-60, 62-63 and 67 are not sufficiently precise due to the combining of two different statutory classes of invention in a single claim. The preamble the independent claims refers to an apparatus, but the body of the claim discusses the specifics of a method as evident in such actions words as (calculating, segmenting,). A claim is considered indefinite if it does not apprise those skilled in the art of its scope. *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F. 2d 1200, 1217 (Fed. Cir. 1991). A claim is considered indefinite if it does not apprise those skilled in the art of its scope. *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F. 2d 1200, 1217 (Fed. Cir. 1991).
13. **Claims 66** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 66 does not contain a discernable preamble and transition phrase. As such, the claim is indefinite. Claims 76-84 are rejected based on their dependence on claim 66.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. **Claims 1-30** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed toward the statutory category of a method (process), however based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a statutory § 101 process must (1) be tied to a particular machine or apparatus or (2) physically transform underlying subject matter (such as an article or materials) to a different state or thing. (i.e. "machine-or transformation test"). If neither of these requirements is met by the claim, method is not a patent eligible process under § 101 and is rejected as being directed toward non-statutory subject matter.

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation in the preamble is insufficient to render an otherwise ineligible method claim patent-eligible. The machine or transformation must impose meaningful limits on the method claims scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. Therefore, reciting a specific machine or a particular transformation of a specific article is an insignificant step, such as data gathering

or outputting, is not sufficient to pass the test. Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See Benson, 409 U.S. at 71-72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

As example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter being transformed, for example by identifying the material being changed to a different state. (*Diamond v. Diehr*, 450 US 175, 184 (1981); *Parker V. Flook*, 437 US 584,588 n.9 (1978); *gottschalk v. Benson*, 409 US 63, 70 (1972); *Cochrane v Deener*, 94 US 780, 787-88 (1876)). Applicant is also directed to MPEP § 2173.05p, providing guidance with respect to reciting a product and process in

the same claim and MPEP § 2111.02 [R3] providing guidance with respect to the effect of limitations within the preamble of a claim.

In reference to claims, there is no recitation of the method steps being tied to a particular machine or apparatus or a physical transformation. The claims recites steps involving creating a volatility index and/or a derivative contract, without a implementation on a machine such as computer, but does not recite the use of another class of statutory subject matter or a transformation of underlying subject matter. To resolve this deficiency, it must be made clear what underlying apparatus is used to perform the recited method steps. Merely stating the underlying apparatus in the preamble is not sufficient. Further, if the method step is performed by software, it must be made clear that the software resides on a physical media and when read by a processor executes the method steps (all of which requires support in the specification).

16. 35 U.S.C. §101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture or composition of matter or new and useful improvement thereof" (emphasis added). Applicant's **31-60, 62-63 and 67** are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C. §101. The preamble the independent claims refers to an apparatus, but the body of the claim discusses the specifics of a method as evident in such actions words as (calculating, segmenting, selecting,). (see rejection of claims under 35 U.S.C. §112, second paragraph, for

specific details regarding this issue)." a claim of this type is precluded by express language of 35 U.S.C. §101 which is drafted so as to set forth statutory the statutory classes of invention in the alternative only", Ex parte Lyell (17USPQ2d 1548).

17. **Claim 31-60** are rejected under 35 U.S.C. 101 because the claimed invention is directed toward non-statutory subject matter. The claim recites a judicial exception (software) without the use of a physical medium. Therefore, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. Descriptive material (software) can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se., 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory.

Double Patenting

18. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to

prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

19. Claims 1-67 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-67 of copending Application No. 11/574179. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following analysis:
- a. Claims 1-30 of 11/581419 map to claims 1-38 of copending Application No. 10/574179.
 - b. Claims 31-60 of 11/574179 map to claims 39-68 of copending Application No. 10/574179.
 - c. Claim 61 of 11/581419 map to claim 69 of copending Application No. 10/574179.
 - d. Claims 62-63 of 11/581419 map to claims 71-72 of copending Application No. 10/574179.
 - e. Claim 64 of 11/581419 map to claim 73 of copending Application No. 10/581419.
 - f. Claim 65 of 11/581419 map to claim 74 of copending Application No. 10/574179.
 - g. Claim 66 of 11/581419 map to claim 75 of copending Application No. 10/574179.
 - h. Claim 67 of 11/581419 map to claim 70 of copending Application No. 10/574179.

20. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond (U.S. Patent No. 5712984) in view of Brisbois (PGPub Document No. 20050216316) in further view of Tinnirello (PGPub Document No. 20060036527)

As per claim 1, Hammond teaches a computer-aided method ([Figure 1, element 18]) for managing an insurance reserve requirement by segmenting a reinsurance transaction (at least [column2, lines 35-49]), the method including the steps of: calculating an insurance reserve requirement from data (at least [column2, lines 35-49]); segmenting, for the reserve requirement, an economic reserve requirement reserve requirement to produce components (at least [column 1, lines 14-20] [column 1, line 62 – column2, line 5]); and carrying out the reinsurance transaction by steps including: allocating the components to different parties (cost categories [column 2, lines 35-49]), one of the parties from a group including an insurance risk carrier and a source of an asset for said reserve requirement ([column 2, lines 50-56] [column 3, line 36 – column 4, line 10]);

Hammond does not teach that the economic reserve requirement is **from a corresponding excess regulatory or assigning an asset for the reserve requirement to a reinsurance asset trust to receive reinsurance credit for said reserve requirement.**

Brisbois teaches **assigning an asset for the reserve requirement to a reinsurance asset trust to receive reinsurance credit for said reserve requirement** ([Abstract] [¶15] [¶42-45] [¶217-223] [claim 49]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Brisbois with that of Hammond in order to achieve the claimed invention. The motivation would have been that Brisbois provides Hammond with a collateral product which includes the life settlement policy pool and also includes an investment instrument, for example an impaired-risk SPIA designed to securitize and guarantee the policy premium payments for the life of the insured and in some cases, e.g. for a very short life expectancy, a guaranteed investment contract, designed to provide income to pay premiums on the life insurance policies in the pool for the term of the bond.

Hammond and Brisbois do not teach that the economic reserve requirement is **from a corresponding excess regulatory**

Tinnirello teaches that the economic reserve requirement is **from a corresponding excess regulatory** ([Abstract]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Tinnirello with that of Brisbois and Hammond in order to achieve the claimed invention. The motivation would have been that Tinnirello provides electronic filing conventions that increase the quality of data that is submitted using statement filing software and achieving complete and timely submission of the data by each insurance company and provide these benefits for a wider range of regulatory data submission types.

As per claim 2, the rejection of claim 1 has been addressed. Brisbois teaches **wherein said reinsurance transaction provides reinsurance for life insurance, and further including the step of associating data corresponding to the life insurance with the reinsurance transaction** ([¶3]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Brisbois with that of Hammond in order to achieve the claimed invention. The motivation would have been that Brisbois provides Hammond with a collateral product which includes the life settlement policy pool and also includes an investment instrument, for example an impaired-risk SPIA designed to securitize and guarantee the policy premium payments for the life of the insured and in some cases, e.g. for a very short life expectancy, a guaranteed investment contract, designed to provide income to pay premiums on the life insurance policies in the pool for the term of the bond.

As per claim 3, the rejection of claim 2 has been addressed.

Hammond teaches **said step of calculating an insurance reserve requirement includes: selecting an insured contingency risk from a group including mortality risk, morbidity risk, and survivorship risk (at least [column 3, lines 25-35])**.

As per claim 4, the rejection of claim 2 has been addressed. Hammond teaches **said step of calculating an insurance reserve requirement includes: calculating a regulatory reserve requirement; calculating an economic reserve requirement; and calculating an excess regulatory reserve requirement as the excess of the regulatory over the economic reserve requirement (at least [column2, lines 35-49])**.

As per claim 5, the rejection of claim 2 has been addressed. Hammond teaches **said step of segmenting includes: pricing an asset charge for assigning an asset in a reinsurance asset trust corresponding to the asset for an economic reserve requirement; and pricing an asset charge for assigning an asset in a reinsurance asset trust corresponding to the asset for an excess regulatory reserve requirement (at least [column2, lines 35-49])**.

As per claim 6, the rejection of claim 1-2 has been addressed. Hammond teaches **the step of allocating the components to different parties includes: allocating the excess regulatory reserve requirement to at least one of the parties from a group of sources of an asset including a bank, a syndicate, a pension plan, another securities lender, and an investor through the purchase of some of any tranche of a trust funding financial instrument (cost categories [column 2, lines 35-49]), and further including the steps of: associating data corresponding to said source of an asset with the reinsurance transaction ([column 4, lines 26-43]); and for each of a plurality of time periods (period of time [column 4, lines 26-43]): calculating the economic reserve requirement and the excess regulatory reserve requirement; and making an adjustment corresponding to the asset in the reinsurance asset trust (at least [column2, lines 35-49])**.

As per claim 7-14, the rejection of claim 1 has been addressed. Hammond does not teach **the step of allocating the components to different parties includes funding the excess regulatory reserve requirement by issuing a security into a capital market, and further including the steps of: associating data corresponding to said security with the reinsurance transaction; and for each of a plurality of time periods: calculating the economic reserve requirement and the excess regulatory reserve requirement; and making an adjustment corresponding to the asset in the reinsurance asset trust**.

Brisbois teaches **the step of allocating the components to different parties includes funding the excess regulatory reserve requirement by issuing a security into a capital market, and further including the steps of: associating data corresponding to said security with the reinsurance transaction; and for each of a plurality of time periods: calculating the economic reserve requirement and the excess regulatory reserve requirement; and making an adjustment corresponding to the asset in the reinsurance asset trust.** ([Abstract] [¶15] [¶42-45] [¶217-223] [claim 49]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Brisbois with that of Hammond in order to achieve the claimed invention. The motivation would have been that Brisbois provides Hammond with a collateral product which includes the life settlement policy pool and also includes an investment instrument, for example an impaired-risk SPIA designed to securitize and guarantee the policy premium payments for the life of the insured and in some cases, e.g. for a very short life expectancy, a guaranteed investment contract, designed to provide income to pay premiums on the life insurance policies in the pool for the term of the bond.

As per claim 15, the rejection of claim 1-2 has been addressed. Hammond teaches **the step of allocating the components to different parties includes allocating said economic reserve requirement to at least one of the parties from a group including a reinsurer, a reinsurance pool, a retrocessionaire, a retrocession pool, an insurer, an insurer separate account, and an other insurance risk assumer** ([claims 35, 37, 38, and 39]).

All of the limits of Claim 15 have been previously addressed in Claim 6, and is therefore rejected using the same prior art and rationale.

As per claim 16, the rejection of claim 1-2 has been addressed. Hammond teaches **further including the step of managing, for a reinsurance company, to accommodate change in the insured contingency risk and change in the capital requirement** (at least [column2, lines 35-49]).

As per claim 17, the rejection of claim 7-10 has been addressed. Hammond teaches **including, for said reinsurance asset trust, calculating a value of said asset on a legally required filing date of a financial statement for said reserve requirement** (at least [column2, lines 35-49]).

As per claim 18, the rejection of claim 1-2 has been addressed. All of the limits of Claim 18 have been previously addressed in Claim 6, and is therefore rejected using the same prior art and rationale.

As per claim 19, the rejection of claim 1-2 has been addressed.

All of the limits of Claim 19 have been previously addressed in Claim 6, and is therefore rejected using the same prior art and rationale.

As per claim 20, the rejection of claim 1-2 has been addressed. Hammond teaches **further including, for each of a plurality of time periods, the steps of: generating a report by inserting datum produced in one of said method steps into the report, said datum from a group including said insurance reserve requirement, said economic reserve requirement, said corresponding excess regulatory reserve requirement, and a value of said asset; and printing the report** (at least [column 19, line 65 – column 20, line 21]).

As per claim 21, the rejection of claim 1-2 has been addressed. Hammond teaches **further including the steps of: generating a contract by inserting datum produced in one of said method steps into the contract for said reinsurance transaction to one of the parties from a group including an insurance company, a risk carrier and a source of asset; and printing the contract** (at least [column 5, lines 35-44]).

As per claim 22, the rejection of claim 1-2 has been addressed. All of the limits of Claim 22 have been previously addressed in Claim 3, and is therefore rejected using the same prior art and rationale.

As per claim 23, the rejection of claim 22 has been addressed. Hammond does not teach **the steps of: computer-aided managing said reinsurance transaction for a reinsurance company providing collateral for said economic reserve requirement, said excess regulatory reserve requirement funded by one of the parties from a group including a bank, a syndicate, a pension plan, a securities lender, and an investor through the purchase of any portion of any tranche of a trust funding financial instrument; and further including the step of associating data corresponding to said source of said asset with said reinsurance company.**

Brisbois teaches **the steps of: computer-aided managing said reinsurance transaction for a reinsurance company providing collateral for said economic reserve requirement, said excess regulatory reserve requirement funded by one of the parties from a group including a bank, a syndicate, a pension plan, a securities lender, and an investor through the purchase of any portion of any tranche of a trust funding financial instrument; and further including the step of associating data corresponding to said source of said asset with said reinsurance company** ([¶21] [¶24] [claims 3 and 10]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Brisbois with that of Hammond in order to achieve the claimed invention. The motivation would have been that Brisbois provides Hammond with a collateral product which includes the life settlement policy pool and also includes an investment instrument, for example an impaired-risk SPIA designed to securitize and guarantee the policy premium payments for the life of the insured and in some cases, e.g. for a very short life expectancy, a guaranteed investment contract, designed to provide income to pay premiums on the life insurance policies in the pool for the term of the bond.

As per claim 24-29, the rejection of claim 2 has been addressed.

All of the limits of Claims 24-27 have been previously addressed in Claim 7-14, and is therefore rejected using the same prior art and rationale.

As per claim 31, Hammond teaches an **apparatus arranged to manage a reinsurance transaction, the apparatus comprising: a computer system** ([Figure 1])

All of the limits of Claim 39 have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale.

As per claim 32, the rejection of claim 39 has been addressed.

All of the limits of Claim 40 have been previously addressed in Claim 2, and is therefore rejected using the same prior art and rationale.

As per claim 33, the rejection of claim 40 has been addressed.

All of the limits of Claim 41 have been previously addressed in Claim 3, and is therefore rejected using the same prior art and rationale.

As per claim 34, the rejection of claim 40 has been addressed.

All of the limits of Claim 42 have been previously addressed in Claim 4, and is therefore rejected using the same prior art and rationale.

As per claim 35, the rejection of claim 40 has been addressed.

All of the limits of Claim 43 have been previously addressed in Claim 5, and is therefore rejected using the same prior art and rationale.

As per claim 36, the rejection of claim 39-40 has been addressed.

All of the limits of Claim 44 have been previously addressed in Claim 6, and is therefore rejected using the same prior art and rationale.

As per claim 37, the rejection of claim 39 has been addressed.

All of the limits of Claim 45 have been previously addressed in Claim 7, and is therefore rejected using the same prior art and rationale.

As per claim 38, the rejection of claim 45 has been addressed.
All of the limits of Claim 46 have been previously addressed in Claim 8, and is therefore rejected using the same prior art and rationale.

As per claim 39, the rejection of claim 45 has been addressed.
All of the limits of Claim 47 have been previously addressed in Claim 9, and is therefore rejected using the same prior art and rationale.

As per claim 40, the rejection of claim 45 has been addressed.
All of the limits of Claim 48 have been previously addressed in Claim 10, and is therefore rejected using the same prior art and rationale.

As per claim 41, the rejection of claim 46-48 has been addressed.
All of the limits of Claim 49 have been previously addressed in Claim 11, and is therefore rejected using the same prior art and rationale.

As per claim 42, the rejection of claim 46-48 has been addressed.
All of the limits of Claim 50 have been previously addressed in Claim 12, and is therefore rejected using the same prior art and rationale.

As per claim 43, the rejection of claim 46-48 has been addressed.
All of the limits of Claim 51 have been previously addressed in Claim 13, and is therefore rejected using the same prior art and rationale.

As per claim 44, the rejection of claim 49 has been addressed.
All of the limits of Claim 52 have been previously addressed in Claim 14, and is therefore rejected using the same prior art and rationale.

As per claim 45, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 53 have been previously addressed in Claim 15, and is therefore rejected using the same prior art and rationale.

As per claim 46, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 54 have been previously addressed in Claim 16, and is therefore rejected using the same prior art and rationale.

As per claim 47, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 55 have been previously addressed in Claim 17, and is therefore rejected using the same prior art and rationale.

As per claim 48, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 56 have been previously addressed in Claim 18, and is therefore rejected using the same prior art and rationale.

As per claim 49, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 57 have been previously addressed in Claim 19, and is therefore rejected using the same prior art and rationale.

As per claim 50, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 58 have been previously addressed in Claim 20, and is therefore rejected using the same prior art and rationale.

As per claim 51, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 59 have been previously addressed in Claim 21, and is therefore rejected using the same prior art and rationale.

As per claim 52, the rejection of claim 39-40 has been addressed.
All of the limits of Claim 60 have been previously addressed in Claim 22, and is therefore rejected using the same prior art and rationale.

As per claim 53, the rejection of claim 60 has been addressed.
All of the limits of Claim 61 have been previously addressed in Claim 23, and is therefore rejected using the same prior art and rationale.

As per claim 54, the rejection of claim 60 has been addressed.
All of the limits of Claim 62 have been previously addressed in Claim 24, and is therefore rejected using the same prior art and rationale.

As per claim 55, the rejection of claim 62 has been addressed.
All of the limits of Claim 63 have been previously addressed in Claim 25, and is therefore rejected using the same prior art and rationale.

As per claim 56, the rejection of claim 62 has been addressed.
All of the limits of Claim 64 have been previously addressed in Claim 26, and is therefore rejected using the same prior art and rationale.

As per claim 57, the rejection of claim 62 has been addressed.
All of the limits of Claim 65 have been previously addressed in Claim 27, and is therefore rejected using the same prior art and rationale.

As per claim 58, the rejection of claim 60 has been addressed.
All of the limits of Claim 66 have been previously addressed in Claim 28, and is therefore rejected using the same prior art and rationale.

As per claim 59, the rejection of claim 40 has been addressed.
All of the limits of Claim 67 have been previously addressed in Claim 28, and is therefore rejected using the same prior art and rationale.

As per claim 60, the rejection of claim 44 has been addressed.
All of the limits of Claim 68 have been previously addressed in Claim 38, and is therefore rejected using the same prior art and rationale.

As per claim 61, All of the limits of Claim 69 have been previously addressed in Claims 1 and 39, and is therefore rejected using the same prior art and rationale.

As per claim 62, Hammond teaches a **computer-readable media tangibly embodying a program of instructions executable by a computer** ([column 4, lines 26-39] [column 13, lines 40-57]).
All of the limits of Claim 70 have been previously addressed in Claim 1, and is therefore rejected using the same prior art and rationale.

As per claim 63, the rejection of claim 71 has been addressed.
All of the limits of Claim 72 have been inherently addressed in Claim 70, and is therefore rejected using the same prior art and rationale.

As per claim 64, An electronic transmission apparatus
All of the remaining limits of Claim 73 have been previously addressed in Claims 1, and is therefore rejected using the same prior art and rationale.

As per claim 65, All of the remaining limits of Claim 74 have been previously addressed in Claims 1 and 73, and is therefore rejected using the same prior art and rationale.

As per claim 66, All of the remaining limits of Claim 74 have been previously addressed in Claims 1 and 73, and is therefore rejected using the same prior art and rationale.

As per claim 67, All of the limits of Claim 76 have been previously addressed in Claims 1 and 62 15, and is therefore rejected using the same prior art and rationale.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pollock whose telephone number is 571 270-1465. The examiner can normally be reached on 7:30 AM - 4 PM, Mon-Fri Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Kyle can be reached on 571 272-5233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAP

04/16/2010

/Gregory Pollock/
Examiner, Art Unit 3695

Gregory A. Pollock

/Thu Thao Havan/
Primary Examiner, Art Unit 3695